

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FREEPLAY MUSIC L.L.C.,

Plaintiff,

- against -

ACCESS MEDIA INTERNATIONAL, THE WISDOM
CENTER, MIKE MURDOCK, PEOPLE UNITED FOR
CHRIST INC., PETER POPOFF, DON STEWART
ASSOCIATION, DON STEWART, PAUL LEWIS
MINISTRIES, and PAUL LEWIS

Defendants.
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Plaintiff Freeplay Music L.L.C., by its attorney, Christopher Serbagi, for its Complaint
against the above-named Defendants, alleges as follows:

NATURE OF ACTION

1. This is an action for federal copyright infringement arising from the Defendants' willful infringement of Plaintiff's copyrighted musical works.

JURISDICTION AND VENUE

2. This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332, and 1338.

3. This Court has personal jurisdiction over the Defendant pursuant to C.P.L.R. § 302.

4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and 1391(c).

THE PARTIES

5. Plaintiff Freeplay Music L.L.C. ("Freeplay Music") is a New York corporation, whose principal place of business is 1650 Broadway, New York, New York 10019.

6. Upon information and belief, Defendant People United for Christ Inc. is a California corporation, with its principal place of business at 550 College Commerce Way, Upland California 91786.

7. Upon information and belief, Defendant Peter Popoff is the founder and owner of Defendant People United for Christ Inc., is an individual who resides in California, and is the controlling force behind the infringements of Defendant People United for Christ Inc.

8. Upon information and belief, Defendant Don Stewart Association is an Arizona corporation, with its principal place of business at 11052 N. 24th Avenue, Phoenix, Arizona 85029.

9. Upon information and belief, Defendant Don Stewart is the founder and owner of Defendant Don Stewart Association, is an individual residing in Arizona, and is the controlling force behind the infringements of Defendant Don Stewart Association.

10. Upon information and belief, Defendant The Wisdom Center, Inc. is a Texas corporation, with its principal place of business at 4051 Denton Highway, Fort Worth, Texas, 76117.

11. Upon information and belief, Defendant Mike Murdock is the founder and owner of The Wisdom Center, is an individual residing in Texas, and is the controlling force behind the infringements of Defendant The Wisdom Center.

12. Upon information and belief, Paul Lewis Ministries is a California corporation, with its principal place of business at 2058 N. Mills Avenue, Claremont, California 91711.

13. Upon information and belief, Defendant Paul Lewis is the founder and owner of Defendant Paul Lewis Ministries, is an individual residing in New York and is the controlling force behind the infringements of Defendant Paul Lewis Ministries.

14. Upon information and belief, Defendant Access Media International (“Access Media”) is a Texas corporation, with its principal place of business at 2909 San Jancinto Street, Dallas, Texas 75204.

ALLEGATIONS COMMON TO ALL COUNTS

15. Among other things, Freeplay offers an on-line music library, which is a comprehensive collection of music spanning all the popular musical genres, available for preview, download and licensing.

16. Freeplay owns copyright registrations for approximately five thousand musical compositions and sound recordings (collectively, the “Sound Recordings”) and has approximately sixty-two million impressions to the freeplaymusic.com website.

17. On information and belief, Defendant Peter Popoff is the president and owner of Defendant People United for Christ. Peter Popoff is a televangelist. He performs crusade services on national television and is funded by donations, which he solicits by direct mail, through his website at www.peterpopoff.org, and through television commercials. In a widely reported incident, Peter Popoff was exposed in 1986 to have received information about audience members by his wife, via earphone, rather than by the supernatural sources he asserted was the source.

18. Defendants Popoff and People United for Christ advertise on television commercials a product called “Miracle Manna Loaf.” Defendants enclose a piece of paper with

the “Miracle Manna Loaf” which requests that the reader write down a problem or illness that needs addressing and to mail the empty manna loaf bag back to Defendants along with a check.

19. Defendants Popoff and People United for Christ have used, without authorization, Freeplay’s copyrighted song entitled “Worldwide” on a commercial for “Miracle Manna Loaf” on at least 72 separate occasions from April 2008 to November 2008.

20. Freeplay’s song “Worldwide” is protected by Copyright Registration No. SR 335-613. A true and correct copy of this registration certificate is attached hereto at Exhibit A.

21. By letter dated October 29, 2008, Freeplay Music sent a cease and desist and demand letter to Defendant People United for Christ. Even after this letter, Defendants Popoff and People United for Christ continued to unlawfully use Freeplay’s copyrighted Sound Recordings for commercial purposes on at least 4 separate commercial airings, which further demonstrates their willful infringement.

22. On information and belief, Defendant Don Stewart is the owner of Defendant Don Stewart Association. Defendant Don Stewart is also a televangelist who offers products online, via his television commercial solicitations, and in connection with his seminars. Defendants Stewart and Don Stewart Association advertise on television commercials a product entitled “Green Prosperity Prayer Cloth.”

23. From April 2008 to February 2009, Defendants Stewart and Don Stewart Association have used, without authorization, Freeplay’s copyrighted songs entitled “Breaking Now;” “In Tune Today;” and “Take Me Higher” on at least one commercial for their “Green Prosperity Prayer Cloth.” Defendants Stewart and Don Stewart Association have used “Breaking Now” on at least 62 separate commercial airings; “In Tune Today” on at least 14 separate commercial airings; and “Take Me Higher” on at least 34 separate commercial airings.

24. Freeplay's song "Breaking Now" and "In Tune Today" are protected by Copyright Registration No. SR 336-919. A true and correct copy of this registration certificate is attached hereto at Exhibit B.

25. Freeplay's song "Take Me Higher" is protected by Copyright Registration No. SR 337-156. A true and correct copy of this registration certificate is attached hereto at Exhibit C.

26. By letter dated October 10, 2008, Freeplay Music sent a cease and desist and demand letter to Defendant Don Stewart Association. Even after this letter, Defendants Don Stewart Association and Don Stewart have continued to unlawfully use Freeplay's copyrighted music for commercial purposes on at least 37 commercial airings, which further demonstrates their willful infringement.

27. Defendant Mike Murdock is the founder and owner of Defendant The Wisdom Center. Defendant Murdock is also a televangelist, who has a weekly television program called "Wisdom Keys with Mike Murdock." Defendants offer various products via their web site at www.mikemurdock.com. The web site for wisdomonline.com takes the user directly to the same web site at www.mikemurdock.com, which further demonstrates that Defendant Mike Murdock is the controlling force behind the activities of Defendant The Wisdom Center. Defendants Murdock and Wisdom Center also advertise their products via television advertisements.

28. Defendants Murdock and The Wisdom Center have used, without authorization, Freeplay's copyrighted song "Take Me Higher" in one commercial and "Going Gone" in another commercial, both for Defendant Wisdom Center. Defendants Murdock and The Wisdom Center have used "Take Me Higher" on at least 10 separate commercial airings from April 2008 to November 2008 and "Going Gone" on at least 10 separate commercial airings from December 2008 to February 2009.

29. Freeplay's song "Take Me Higher" is protected by Copyright Registration No. SR 337-156. A true and correct copy of this registration certificate is attached hereto at Exhibit D.

30. Freeplay's song "Going Gone" is protected by Copyright Registration No. SR 374-912. A true and correct copy of this registration certificate is attached hereto at Exhibit E.

31. By letter dated December 4, 2008, Freeplay Music sent a cease and desist and demand letter to Defendant The Wisdom Center. Even after this letter, Defendant Wisdom Center continued to unlawfully use Freeplay's copyrighted Sound Recording "Going Gone" for commercial purposes on at least ten separate commercial airings, which further demonstrates its intentional infringement.

32. On information and belief, Defendants Paul Lewis is the founder and owner of Paul Lewis Ministries. As with the other televangelists identified herein, Defendants Paul Lewis and Paul Lewis Ministries solicit donations and sell various products via their web site located at www.paullewisministries.com and via his television show and commercials.

33. Defendants Paul Lewis and Paul Lewis Ministries have used, without authorization, Freeplay's copyrighted song "Moving Out" in a commercial for the Paul Lewis Prayer Package. Defendants have used "Moving Out" on at least 37 separate commercial airings from August 2008 to March 2009.

34. Freeplay's song "Moving Out" is protected by Copyright Registration No. SR 337-221. A true and correct copy of this registration certificate is attached hereto at Exhibit F.

35. On information and belief, the owner of the website www.paullewisministries.com is related and affiliated with Defendant Peter Popoff. Accordingly, when Freeplay sent Defendant Popoff a cease and desist and demand letter dated October 29, 2008, Defendants Paul Lewis and Paul Lewis Ministries were also put on formal

notice of their infringement of Freeplay's copyrighted music. Despite this notice, Defendants Paul Lewis Ministries and Paul Lewis continued to unlawfully use Freeplay's copyrighted music on at least 16 different commercial airings, which further demonstrates their intentional infringement.

36. Defendant Access Media produced at least one infringing commercial for each of Defendants Wisdom Center, Defendant People United for Christ, and Defendant Don Stewart Association. Accordingly those infringements identified herein also accrue to Defendant Access Media.

37. The commercials that Access Media produced for the Defendant Ministries were ultimately aired on national broadcasters such as Black Entertainment Television, The Travel Channel, The Discovery Channel, and Country Music Television. Because the Defendants knew that those infringing productions would reach viewers in New York and that Freeplay would be damaged in New York as a result, all of the Defendants are subject to personal jurisdiction in this district.

38. On or about September 17, 2008, Freeplay approached Defendant Access Media concerning its production of its infringing commercials for each of Defendants Wisdom Center, Defendant People United for Christ, and Defendant Don Stewart Association. Access Media declined to pay Freeplay a reasonable fee for its infringements. Instead, on or about December 4, 2008, Access Media contacted a Freeplay representative under a pseudonym and attempted to obtain a retroactive license without disclosing that it was an infringer and that the parties had already engaged in settlement discussions. Access Media's unlawful use of Freeplay's music and subsequent surreptitious efforts to avoid the consequences of its infringements further demonstrates its bad faith.

39. On information and belief, all the Defendants knew that they had no authorization to use Freeplay's copyright songs, but chose to do so anyway.

40. The extent of the Defendants' infringement of the Sound Recordings and the resulting damage to Freeplay is not yet known.

CAUSES OF ACTION AGAINST ALL DEFENDANTS

(FEDERAL COPYRIGHT INFRINGEMENT)

41. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 40, as if fully set forth herein.

42. As a result of the foregoing acts, Defendants have willfully and intentionally infringed Plaintiff's federal copyrights as set forth herein, all in violation of 17 U.S.C. § 501.

WHEREFORE, Plaintiff demands:

For statutory damages, lost profits, or any other damages provided by law.

For increased damages due to willful infringement per infringed work as provided by law.

For its reasonable attorney's fees and costs.

For such other and further relief as the Court deems just and proper.

Dated: New York, New York
April 27, 2009

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